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APPLICATION NO. .	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,126	12/20/2001	Eric Henry Baller	31862.000065	2357
23387	7590, 08/19/2005		EXAMINER	
Stephen B. Salai, Esq. Harter, Secrest & Emery LLP 1600 Bausch & Lomb Place Rochester, NY 14604-2711			VAUGHN JR, WILLIAM C	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,126

Applicant(s)

BALLER ET AL.

Examiner

William C. Vaughn, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in regards to the Amendment and Reply received on 13 May 2005.

Continued Prosecution Application

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 July 2005 has been entered.
3. The application has been examined. **Claims 1-31** are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekizawa, U.S. Patent No. 6,430,711 in view of Rezvani et al. (Rezvani), U.S. PGPUB 2004/0098515
6. Regarding **independent claims 1, 10, 17, 20-22**, (e.g., exemplary independent claim 1). Sekizawa the invention substantially as claimed. Sekizawa discloses *an apparatus for connecting a remote machine to a central system by way of a public network comprising: a message generator for creating an message document suitable for transmission over the network*

Art Unit: 2143

(Sekizawa teaches an agent unit supports the transmitting and receiving of electronic mail through the Internet), [see Sekizawa, Col. 19, lines 15-35], *the message comprising information identifying the machine* [see Sekizawa, Col. 20, lines 46-57, Col. 26, lines 61-67]; *a receiver for receiving and storing a response from a central system* [see Sekizawa, Col. 26, lines 61-67], *the message generator subsequently creating messages using the unique identifier* [see Sekizawa, Col. 21, lines 40-67]. However, Sekizawa does not explicitly disclose an application layer message document including a unique machine name and password combination in a hypertext format.

7. In the same field of endeavor, Rezvani discloses (e.g., systems and methods for the automatic registration of devices). Rezvani discloses an application layer message document including a unique machine name and password combination in a hypertext format [see Rezvani, sections 0055-58, 0077-0079, 0086-0093].

8. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Rezvani's teachings of systems and methods for the automatic registration of devices with the teachings of Sekizawa, for the purpose of providing a system that allows for an improved way of remotely registering devices [see Rezvani, section 0005]. By this rationale **claim 1** is rejected.

9. Regarding **claim 2**, Sekizawa-Rezvani discloses *in which the network is a TCP/IP network* [see Rezvani, section 0010]. The motivation that was used to combine claim 1 applies equally as well to claim 2. By this rationale **claim 2** is rejected.

10. Regarding **claim 3**, Sekizawa-Rezvani discloses *in which the network is a wireless network* [see Rezvani, section 0036]. By this rationale **claim 3** is rejected.

Art Unit: 2143

11. Regarding **claim 4**, Sekizawa-Rezvani discloses *in which the connection is established through a gateway device that provides protocol or address translation* [see Rezvani, section 0055-0056]. By this rationale **claim 4** is rejected.

12. Regarding **claim 5**, Sekizawa-Rezvani discloses *comprising memory in the central system for storing the unique machine name and password and information identifying the type of machine* [see rejection of claim 1, supra]. By this rationale **claim 5** is rejected.

13. Regarding **claim 6**, Sekizawa-Rezvani discloses *in which the message is a registration message* [see rejection of claim 1, supra]. By this rationale **claim 6** is rejected.

14. Regarding **claim 7**, Sekizawa-Rezvani discloses *wherein the registration message includes: identifying information; information on the type of asset; network address and accessibility* [see Sekizawa, Col. 26, lines 60-67]. By this rationale **claim 7** is rejected.

15. Regarding **claim 8**, Sekizawa-Rezvani discloses *comprising memory for storing a token indicating that the machine is registered, and inhibiting subsequent sending of registration messages* [see rejection of claims 1 and 7, supra]. By this rationale **claim 8** is rejected.

16. Regarding **claim 9**, Sekizawa-Rezvani discloses *in which registration message includes a non-unique identifier and the response from the server includes a unique identifier to be used by the asset in subsequent message* [see rejection of claim 1, supra]. The same motivation to combine that was use in claim 1 applies equally as well to claim 9. By this rationale **claim 9** is rejected.

17. Regarding **claim 10**, the limitations of this claim is substantially the same as that of claim 1 and thus is rejected for the same rationale in rejecting claim 1 above. Furthermore with regards *to a storing a schedule and periodically activating the message generator according to the*

Art Unit: 2143

stored schedule (Sekizawa teaches transmitting status information through the email every first time period and causing the local information transmission sections to transmit status mail every second time period longer than the first time period), [see Sekizawa, Col. 21, lines 62-67 and Col. 25, lines 47-54]. By this rationale **claim 10** is rejected.

18. Regarding **claims 11-16**, Sekizawa-Rezvani discloses comprising a receiver for receiving an acknowledgement of the registration message and storing a token indicating that the machine is registered [well known feature]. By this rationale **claim 11** is rejected.

19. Regarding **claims 17-31**, Sekizawa-Rezvani discloses features that are substantially the same as that of claims 1-16 and thus are rejected for the same rationale in rejecting claims 1-16 above.

Claim Rejections - 35 USC § 102

20. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

21. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Rezvani et al. (Rezvani), U.S. PGPUB 2004/0098515.

22. Regarding **independent claims 1, 10, 17, 20-22**, (e.g., exemplary independent claim 1). Rezvani discloses an apparatus for connecting a remote machine to a central system by way of a public network comprising: a message generator for creating an application layer message

Art Unit: 2143

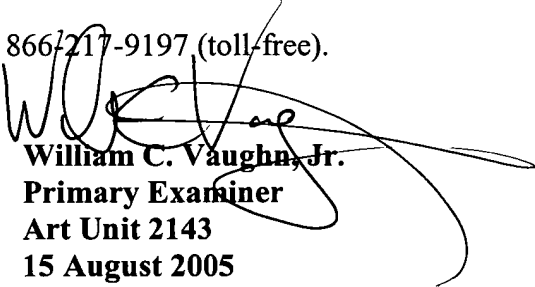
document including a unique machine name and password combination in a hypertext format suitable for transmission over the network, the message comprising information identifying the machine; a receiver for receiving and storing response from a central system, the message generator subsequently creating messages using the unique machine name and password [see Rezvani, sections 0055-58, 0077-0079, 0086-0093].

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (571) 272-3922. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866/217-9197 (toll-free).


William C. Vaughn, Jr.
Primary Examiner
Art Unit 2143
15 August 2005

WCV